The City Council held a meeting on Wednesday, July 10, 2013, at 5:43 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Joe Burgess; Councilmembers: Ron Adams; Nina Barnes; John Black; Paul Cozzens; Don Marchant.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Robert D. Allinson; Leisure Services Director Dan Rodgerson; Public Works Director Ryan Marshall.

OTHERS PRESENT: Angelica Teter, Melodie Jett, Tom Jett, Bev Burgess, Mitchell Zufelt, Adrian Anderson, Kristen Daniel, Alec Turner, Paige Gunn, Barbara Bandringa, Jan Bandringa, Doug Hall, Fred Rowley.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED JUNE 19 & 26, 2013; (2) APPROVAL OF BILLS DATED JULY 3, 2013; (3) APPROVE AN AGREEMENT WITH THE STATE OF UTAH TO FACILITATE A CDBG GRANT WITH THE CEDAR CITY HOUSING AUTHORITY – HEIDI MILLER; (4) APPROVE A BEER LICENSE FOR LAFIESTA EXPRESS MEXICAN RESTAURANT – MARIA CASTANEDA ORTIZ/CHIEF ALLINSON; (5) APPROVE PURCHASING A DUMP TRUCK/SNOW PLOW WITH A STAINLESS STEEL SANDER FROM RUSH TRUCK CENTERS IN THE AMOUNT OF $183,000.00 – JEFF HUNTER; (6) APPROVE PURCHASE OF A STAINLESS STEEL SANDER FROM RUSH TRUCK CENTERS IN THE AMOUNT OF $19,000.00 – JEFF HUNTER; (7) APPROVE THE BID FROM SCHMIDT CONSTRUCTION IN THE AMOUNT OF $732,259.00 FOR THE 300 WEST STORM DRAIN PROJECT, PHASE 4 (800 SOUTH & 860 WEST, 1400 WEST & SHURTZ CANYON DRIVE) – CHAD BOSHELL; (8) APPROVE THE PURCHASE OF THE SIMULATED IMPAIRED DRIVING EXPERIENCE PACKAGE (SIDNE) IN THE AMOUNT OF $27,990.00 – CHIEF ALLINSON; (9) APPROVE AN AGREEMENT BETWEEN THE POLICE DEPARTMENT AND SWATC TO TEACH INTRO TO LAW ENFORCEMENT IN THE HIGH SCHOOLS – CHIEF ALLINSON; (10) APPROVE AN AGREEMENT BETWEEN THE POLICE DEPARTMENT AND QWEST TO PURCHASE POLICE EQUIPMENT TRACKING SOFTWARE PROGRAM – CHIEF ALLINSON: Councilmember Marchant moved to approve the consent agenda items 1 through 10 as stated above; second by Councilmember Black; vote unanimous.

PUBLIC HEARING TO CONSIDER WAIVING FEES AT FESTIVAL HALL FOR A PUBLIC MEETING OF THE SUU PRESIDENTIAL SEARCH COMMITTEE – MAYOR BURGESS: Black – what is the dollar amount? We don't have that information, between $400 - $500. Cozzens – why here with all of their rooms?

Mayor – because they had one at the University and public comments were they could not find the meeting at the University.

Black – Mayor I am a little miffed that you are not on the committee. Barnes – but they did meet with the Mayor. Mayor Burgess opened the public hearing.

Doug Hall, I have been here before about waiving fees. I would like to provide summary, projected revenue is $76,000 user fees, $25,000 TRT and $6,000 from Iron County to help with operation and maintenance. The operating costs are $393,000, including $25,000 of the TRT, shortfall made up from the General Fund is $286,000, the shortfall in 2011 was $218,000, $244,000 in 2012, and $278,000 and now $286,000. When you look at the fact that the facility is costing more than a ¼ million a year from the public I feel deferring any user fees we should not be using. I especially look at that if we are asking Iron County to help with O&M and then waiving fees I don't think it is justifiable. If we waive the fees it comes out of taxpayer pockets and we shouldn't support that. It is a general philosophical issue. I have stepped up a few times to keep that from happening, but I have limited pockets as well. The Council should discuss that until we get a better handle it should be nothing but an extraordinary case and put that on the taxpayers.

Tom Jett – I agree with Doug Hall that it is a lot of money. However the building will set empty that day if not used by that organization. The numbers given are not actual expenses, but paying for the bond, so it is equity, not just expenses. I wish we didn't have room for them to use it, but if it is not being utilized, we might as well utilize it. It won't cost any more to clean it. The overall big picture it will cost the tax payers if it at the University or anywhere.

Doug Hall – the accusation that it is no additional cost is not valid, it is an evening meeting and staff will be called in to set up and take down, those are expenses normally not incurred. Tom – it is a small part of the cost.

Cozzens – in realizing the fact that we have a great relationship with the University, I know the Republican Party asked them to use a facility for a debate and they wanted $300. It is also a community service that is worthwhile. I would hope they will look at that if they use our facility.

Barnes – there has been a time where there was not town and gown and for the citizens to have a voice in a decision on the University President, I think it is money well spent.

Mayor – it is $360 and I would like to propose that Beverly pay ½ of that and the City pay the other half.

Councilmember Barnes moved to waive the fees at Festival Hall for a public meeting for SUU because it is not being used;

Barnes – the University opens up the facilities to us also, we have used the Centrum many times. And they do the town and gown.

Black – there is a community involvement that cannot be discounted.

Doug – the principal is we should not be waiving fees at the Heritage Center; it has nothing to do with the University.

Mayor, John Black, Cozzens and Doug Hall all agreed to split the cost.

Barnes – then there is not value in the community using the facility. We want the facility utilized. We are saying we cannot use it. Tom Jett – it is better the facility be used and not compensated than set empty. We set a bad precedent, what happens when the next organization wants it. Barnes – are we not here for the exception. Tom – the generosity is great, but I think you are setting yourself up for a real mistake in the future. Your job is to look out for the community, make hard decisions and not always popular decisions. I think you need to reconsider this. The amount of money you make should not make the difference; it is just what is right or wrong. Doug Hall – what he says is correct, but if people are willing to cover the fee instead of the taxpayer then there should be no problem. If no one is willing to step up then you make the decision. People felt it was valid enough to help fund it. It is not a case of setting a precedent.

The motion was seconded by Councilmember Black; vote unanimous.

Black – the University needs to step up and help the community. Mayor – they do 10 to one with us.

CONSIDER A LOCAL CONSENT FOR CHEF ALFREDO'S AT 2333 W. HWY 56 – ALFREDO MODICA: Chief – this came in a little late so it is an action item. We have done the background, we hear we will love this restaurant, he is a great chef. We recommend approval.

Councilmember Black moved to approve the local consent for Chef Alfredo's at 2333 W. Hwy 56; second by Councilmember Adams; vote unanimous.

CONSIDER A RESOLUTION TO PARTIALLY SUSPEND RECENT AMENDMENTS TO THE PERSONNEL POLICY – PAUL BITTMENN: Paul – we passed amendments to the personnel policy for affordable care act, the Feds have bumped to Jan 2015. We only want to suspend the limit to the number of hours for part time work until July 2014.

Councilmember Marchant move to approve suspending the change limiting the number of hours worked for park-time employees until July 2014; second by Councilmember Cozzens; the vote is as follows:

AYE: 5

NAY: ___0___

ABSTAINED: ___0___

CONSIDER APPOINTMENTS TO THE RAP TAX ARTS AND RAP TAX PARKS & RECREATION BOARDS: Councilmember Adams moved to approve the appointments of Don Marchant to RAP Tax ARTS Board and Nina Barnes to the RAP Tax Parks & Recreation Board; second by Councilmember Cozzens; vote unanimous.

ADJOURN: Councilmember Marchant moved to adjourn at 6:05 p.m.; second by Councilmember Black; vote unanimous.

Renon Savage, CMC
City Recorder